



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

**77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590**

AUG 31 2001

REPLY TO THE ATTENTION OF:

R-19J

Mr. Christopher Jones
Director
Ohio Environmental Protection Agency
Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

The Hon. Betty D. Montgomery
Ohio Attorney General
State Office Tower
30 East Broad Street
Columbus, Ohio 43215-3428

Dear Mr. Jones and Ms. Montgomery:

Enclosed please find a preliminary draft of U.S. EPA Region 5's report on its review of eight Ohio environmental programs. The draft reflects our preliminary findings, conclusions and recommendations.

As part of our fact-finding, we would appreciate your review of and input regarding this preliminary draft. In particular, please let us know if you find any factual errors, and whether Ohio can agree to all or some of the recommendations and/or if other actions by Ohio could address noted concerns. Please respond in writing within 30 days of the date of this letter. Based upon your input, we may revise portions of the draft report before finalizing it.

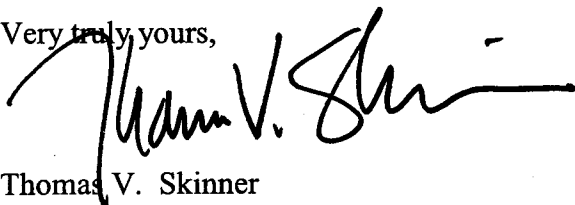
The draft report was prepared in response to a petition submitted on behalf of Ohio Citizen Action, the Ohio Sierra Club, the Ohio Environmental Council (subsequently replaced by the Ohio Public Interest Research Group), and Rivers Unlimited. That petition (as later amended and supplemented) asks U.S. EPA to withdraw and/or revoke its authorization, delegation and/or approval of the Ohio Environmental Protection Agency's Resource Conservation and Recovery Act hazardous waste program and Solid Waste Management Plan; Clean Water Act National Pollutant Discharge Elimination System program; and Clean Air Act Standards of Performance for New Stationary Sources, New Source Review, Prevention of Significant Deterioration, Noncompliance Penalty, and Title V programs.

As the draft report indicates, we have not found grounds for withdrawal of the RCRA or CWA programs (contingent on Ohio's fulfillment of the commitments it has made and the actions it has begun). We conclude not only that Ohio's legal environmental enforcement offices and criminal enforcement program are acceptable, but that your criminal enforcement program ranks among the top in the nation. With regard to certain CAA programs, we are recommending that OEPA promptly initiate specific steps in order to avoid the possible withdrawal of the programs.

This draft will be released to the public on Tuesday, September 4, 2001. Please note that we plan to hold a public availability session in Columbus in October to discuss our draft report with the public. We then will allow an additional 30 days after that meeting for public comments before finalizing the report.

We would like to thank you and your staff for your cooperation in this matter, and look forward to continuing to work with you to further our federal-State partnership in protecting human health and the environment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas V. Skinner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas V. Skinner
Regional Administrator

Enclosure